

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**

7
8 **August 7, 2009**
9

10 The Board of Educational Examiners held its monthly meeting on August 7, 2009.
11 Board Chair, Judy Jeffrey, called the meeting to order. Members attending were
12 Julio Almanza, Brad Dirks, Tammy Duehr, Merle Johnson, Oscar Ortiz, Greg
13 Robinson, Liz Sheka, Bev Smith, Laura Stevens and Carol Trueg. Also in
14 attendance were Dr. George Maurer, Executive Director of the Board and Julie
15 Bussanmas, Assistant Attorney General. Richard Wortmann was unable to attend.

16
17 Merle Johnson moved, with a second by Laura Stevens, to approve the agenda.

18 **MOTION CARRIED UNANIMOUSLY.**
19

20 Julio Almanza moved, with a second by Merle Johnson, to approve the consent
21 agenda consisting of the minutes of the June 11-12, 2009, board meeting, the
22 June 24, 2009, Special Telephonic Meeting and the adoption of rules [Iowa
23 Administrative Code – Chapter 282 (272)] – Amend Chapter 23.2 Behind-the-Wheel
24 Driving Instructor Authorization ; Amend Chapter 13.11(5) Specific requirements
25 for a Class B License (Expiration); Amend Chapter 13.10(4) Specific requirements
26 for a Class A License; New Chapter 8 Debts to State or Local Government-
27 Noncompliance; Amend Chapter 23.3(7) Standard VII *compliance with state law*
28 *governing obligations to state or local governments, student loan obligations, and*
29 *child support obligations*; Amend Chapter 25.3(1) Fraud ; Amend Chapter 13.17
30 Specific requirements for an exchange license; Repeal Chapter 13.3 Applicants from
31 recognized non-Iowa institutions; Amend Chapter 18.6 Specific requirements for an
32 administrator exchange license; Repeal Chapter 18.3 Applicants from recognized
33 non-Iowa institutions. **MOTION CARRIED UNANIMOUSLY.**

1 Merle Johnson moved, with a second by Carol Trueg , that the Board go into closed
2 session for the purposes of discussing whether to initiate licensee disciplinary
3 proceedings and discussing the decision to be rendered in a contested case,
4 pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 Carol Trueg moved, with a second by Laura Stevens, that in case number
8 09-28, the Board find probable cause to establish a violation of the following
9 provisions of the Code of Professional Conduct and Ethics, 282 IAC
10 25.3(1)e(4) and order this case set for hearing. **MOTION CARRIED**
11 **UNANIMOUSLY.**

12
13 Laura Stevens moved, with a second by Oscar Ortiz, that in case number
14 09-30, while the Board is concerned about the allegations, it finds that the
15 evidence gathered in the investigation, including witness statements and the
16 documentary evidence does not rise to the level necessary to take action
17 against the licensee. The Board therefore lacks probable cause to proceed
18 with this matter. **MOTION CARRIED UNANIMOUSLY.**

19
20 Merle Johnson moved, with a second by Carol Trueg, that in case number 09-36,
21 while the Board is concerned about the allegations, it finds that the evidence
22 gathered in the investigation, including witness statements and the documentary
23 evidence does not rise to the level necessary to take action against the licensee.
24 The Board therefore lacks probable cause to proceed with this matter.
25 **MOTION CARRIED UNANIMOUSLY.**

26
27 Laura Stevens moved, with a second by Oscar Ortiz, that in case number
28 09-37, while the Board is concerned about the allegations, it finds that the
29 evidence gathered in the investigation, including witness statements and the
30 documentary evidence does not rise to the level necessary to take action
31 against the licensee. The Board therefore lacks probable cause to proceed
32 with this matter. **MOTION CARRIED UNANIMOUSLY.**

1 Carol Trueg moved, with a second by Merle Johnson, that in case number
2 09-40, the Board find probable cause to establish a violation of the following
3 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(1)c,
4 d, and e and order this case set for hearing. **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 Laura Stevens moved, with a second by Merle Johnson, that in case number
8 09-07, the Board accepts the Respondent's waiver of hearing and voluntary
9 surrender and that the Board issue an order permanently revoking the
10 Respondent's license with no possibility of reinstatement. **MOTION**
11 **CARRIED UNANIMOUSLY.**

12
13 Oscar Ortiz moved, with a second by Laura Stevens, that in case number
14 09-03, that the Board not initiate review of the proposed decision in case
15 number 09-03, In the Matter of Tyler Radcliffe, and allow the proposed
16 decision to become the final decision of the Board unless an appeal is taken
17 by one of the parties within the time allowed by rule. **MOTION CARRIED**
18 **UNANIMOUSLY.**

19
20 The proposed decision for case number 08-109 and 08-111 has been
21 appealed and no board action was taken at this time.

22
23 Merle Johnson moved, with a second by Laura Stevens, that in case number 07-14
24 and 07-16, the board reject the motion to dismiss.

25
26 Carol Trueg moved, with a second by Oscar Ortiz, that the Board extend the
27 180-day deadline for issuance of the final decision in case number 09-18,
28 09-20, 09-21 and 09-28 based upon the extraordinary amount of time
29 needed to schedule the hearing, allow review of the proposed decision, and
30 issue a final decision. **MOTION CARRIED UNANIMOUSLY.**

1 Board Reports:

2 Judy Jeffrey updated the board regarding happenings at the national level
3 which included the ESEA Reauthorization Task Force, Race to the Top,
4 standards and Iowa Core.

5
6 Public Comment:

7 There were no public comments.
8

9 Executive Director's Report:

10 Dr. Maurer presented the financial report for FY09 and FY10.
11

12 Dr. Maurer reported on the portfolio process and informed the board that we
13 applied for a grant and received \$37,500 to develop the program to do the reporting
14 process for the portfolio.

15
16 A reception and short program will be held after the board meeting to celebrate the
17 20th anniversary of the Board of Educational Examiners.
18

19 Rules:

20 There was no board action taken to file emergency and to file under Notice of
21 Intended Action, the proposed change to Chapter 13.17 Specific requirements for
22 exchange licenses.
23

24 There was no board action taken to file emergency and to file under Notice of
25 Intended Action, the proposed change to Chapter 13.3 Applicants from recognized
26 non-Iowa institutions.
27

28 There was no board action taken to file emergency and to file under Notice of
29 Intended Action, the proposed change to Chapter 12.8 Portfolio Evaluation Fee.
30

31 Carol Trueg moved, with a second by Julio Almanza, to file under Notice of
32 Intended Action, the proposed change to Chapter 24.6 Speech-Language Pathology
33 Assistant (SLPA). **MOTION CARRIED UNANIMOUSLY.**

1 Greg Robinson moved, with a second by Bev Smith, to file under Notice of Intended
2 Action, the proposed changes to Chapter 13.26(2)b(4)(272) Teacher-prekindergarten
3 through grade three. **MOTION CARRIED UNANIMOUSLY.**

4
5 Greg Robinson moved, with a second by Bev Smith, to file under Notice of Intended
6 Action, the proposed changes to Chapter 13.26(3)b(4)(272) Teacher-prekindergarten
7 through grade three, including special education. **MOTION CARRIED**
8 **UNANIMOUSLY.**

9
10 Greg Robinson moved, with a second by Bev Smith, to file under Notice of Intended
11 Action, the proposed changes to Chapter 13.26(4)b(4)(272) Teacher-elementary
12 classroom. **MOTION CARRIED UNANIMOUSLY.**

13
14 Julio Almanza moved, with a second by Brad Dirks, to file under Notice of Intended
15 Action, the proposed changes to Chapter 11.4 (17A, 272) Complaint. **MOTION**
16 **CARRIED UNANIMOUSLY.**

17
18 Greg Robinson moved, with a second by Bev Smith, to file under Notice of Intended
19 Action, the proposed changes to Chapter 13.28(1) Agriculture. **MOTION CARRIED**
20 **UNANIMOUSLY.**

21
22 Bev Smith moved, with a second by Carol Trueg, to file under Notice of Intended
23 Action, the proposed changes to Chapter 17.1(1)a Agriculture. **MOTION CARRIED**
24 **UNANIMOUSLY.**

25
26 Items for Discussion:

27 None at this time.

28
29 Petitions for Waiver:

30 None at this time.

Reports:

The following reports were not presented at this meeting due to lack of time:

Communication Report (Geri McMahon); Board Goals (George Maurer); NCAC

Conference Report (Mary Lou Nosco); and Joint Meeting of INTASC and SCEL

Report (Fred Kinne). They will be presented at the October meeting.

There being no further business, Judy Jeffrey adjourned the meeting at 12:25 p.m.